THOUGHTS, &c.

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THOUGHTS

ON

THE PRESENT PROCEEDINGS

OF THE

HOUSE OF COMMONS.

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THOUGHTS, &c.

TO flatter the people with the ſemblance of political power, has been the common art of demagogues in all ages; yet a groſſer fraud was never practiſed on the paſſions of the giddy multitude. The great body of the people are, by the unalterable law of nature, incapable of exerciſing the powers of government; and wherever they have been taught to graſp at this object, whether Cæſar or Pompey prevailed, they have equally given to themſelves a maſter, and eſtabliſhed a tyranny in the ſtate. This truth, taught by the hiſtory, and exemplified in the ruin of the ancient republics, ſeems never to have entered into the formation of any government, until the principles of the Britiſh Conſtitution, developed in the conteſts with the houſe of Stuart, and fully confirmed at the Revolution, exhibited a ſtructure of political wiſdom, which, during a century at leaſt, has been the pride and happineſs of

Britons—the admiration and envy of ſurrounding nations. The fundamental principle of this conſtitution is a renunciation on the part of the people of all the *active executive* powers of government, which they have veſted in one perſon—the King; and that *theſe powers* may be for ever placed beyond the graſp of ambitious citizens, they have rendered them *hereditary*, paſſing from father to ſon, without *election*—becauſe the *election* of a ſupreme magiſtrate might afford the opportunity of confounding the ſeveral orders of the ſtate, and defeating the effects intended to be produced by the other parts of the conſtitution.

Having thus veſted the whole *executive* government of the country in one perſon, taking his office by *hereditary* ſucceſſion, our anceſtors have applied the whole remaining powers of the conſtitution to controul this executive magiſtrate, to prevent or puniſh abuſe. All the privileges of the peers, all the rights and privileges of the people, or their repreſentatives, are adapted to this end —the controul of the executive magiſtrate.

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Should the houſe of peers, or the repreſentatives of the people, *aſſume* directly or indirectly, any part of the executive government, they, or their nominees, from that inſtant become the executive magiſtrate; they themſelves become parties in the abuſe; and the defences of public liberty are carried over by the truſtees of the people, to the cauſe of power. It is not, therefore, without reaſon, that the preſident Monteſquieu, who ſaw through the whole ſpirit of laws, and has pronounced political liberty to be the direct end of the Britiſh Conſtitution, has affirmed *that our liberties* cannot exiſt whenever the two Houſes of Parliament ſhall draw to themſelves the functions of executive government.

No man, with whom I have converſed, has ever denied the *right* o *power* of the people to deſtroy this goodly fabrick, or to model it at their pleaſure. Government being conſtituted *wholly for the benefit of the governed*, it follows, that force cannot be juſtly employed againſt them, to eſtabliſh even the bleſſings of the Britiſh Conſti-

tution; and that the people muſt be the ultimate judges of what is *conducive to their benefit*. But does it follow, that the two Houſes of Parliament can enlarge thoſe powers, which they received as a *truſt* for the people? That there is an original compact in all government, is a noble and juſt principle, equally ſolid and true, under all circumſtances, and in all times—but this principle applies with equal force to the *truſt committed to the two Houſes of Parliament*, as to that veſted in the Crown. Can any man in his ſenſes doubt, that if the two Houſes of Parliament ſhould, as once happened, again unite the legiſlative and executive powers, by giving to the proclamations of the Crown, the force and authority of law, the people would be juſtified in reſuming *a truſt* which had been ſo wickedly betrayed? This reſumption would be preciſely warranted by what our anceſtors did at the Revolution; but in ſuch an event, I hope, we would be guided by their *example*. I hope we ſhould not aboliſh the two Houſes of Parliament, or

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abridge their powers, but merely transfer the truſt to more honeſt hands. Our anceſtors did not deny the maxim of law, that *the King can do no wrong*;" on the contrary, it continues now, for very wiſe purpoſes, the conſtitutional law of the country But they held, that a King, violating the original compact, and manifeſting a deliberate purpoſe to ſubvert the fundamental laws, was an evil too inveterate for the forms of the conſtitution to reach.—They, therefore, declared the throne vacant, excluding the miſguided Prince, and his immediate deſcendants; yet they *reſtabliſhed* the conſtitution, and declared the monarchy *hereditary* in another family. All that the friends of liberty contend for is, that where no forfeiture is pretended, or abuſe ſuggeſted, the two Houſes of Parliament have not the *power* to render the Monarchy *elective*; and they intreat the people, whoſe power is acknowledged, not to concur in this act of political ſuicide, becauſe they think they can demonſtrate, that ſuch an election, even to the *temporary exerciſe of regal power*, will

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be deſtructive of the principles of the Britiſh Conſtitution.

It is remarkable, that a Regent, with kingly power, was the meaſure inſiſted upon by that party who oppoſed a change in the ſucceſſion. All parties, therefore, at the Revolution, agreed on the point for which we contend—to preſerve the exerciſe of the Regal authority entire.

Lawyers have confounded themſelves and others with the idea of a perfect analogy, between the ſucceſſion to *private property*, and a ſucceſſion to the *functions of public duty*. The analogy holds as far as the different nature of the two ſubjects will admit; but the nature of the ſubject muſt decide in *what events*, and to *what extent* this right ſhall attach.

The intereſt of the community is beſt advanced, by giving to each individual the entire abſolute dominion over his own property.—He may apply it to his *own perſonal gratification*, or he may hoard it in his ſtrong box, and may diſpoſe of the whole when life expires, according to the *dictates of caprice*.

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if, during life, he becomes incapable of tranſacting *his own affairs*, the law interpoſes to protect the property, for *the benefit of the individual*; or if he neglects to make a diſpoſition by *will*, the ſame law directs the ſucceſſion to thoſe, whoſe relation to the deceaſed, ſpeaks them *the probable objects of his bounty*. The powers of government are directly oppoſite in their nature. Theſe are *truſts* given for the *benefit of the community*, not of the *individual*. The exerciſe of theſe powers cannot be ſuſpended by the diſability of the *truſtee* to await his *future diſpoſal*. The neceſſity of good government, and conſequent demand for the means of obtaining it, are the ſame to the public, whether the particular individual has or has not the capacity of acting his part. The means of good government, if *juſtly proportioned* to their object, muſt be the ſame, whether adminiſtered by the hands of one man, or by thoſe of another. It follows, therefore, that if the people be not the property of the King, but the King be conſidered as the inſtrument of good government to the people,

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the *ſame powers* proportioned to the *ſame end*, muſt be veſted in another, during the *perſonal incapacity* of the individual.

It will be aſked; muſt no attention be paid to the rights of the Sovereign? Yes:—all poſſible attention;—not for *his benefit*, but for that of *the people*.—Not becauſe an individual, broken by infirmities, is better qualified for the taſk of government, than one in the vigour of life;—but becauſe it is neceſſary for our *our own ſecurity*, to preſerve the *hereditary title* to the monarchy, as a fundamental law of the conſtitution. The ſame principle excludes every other individual, and all bodies of men, from participating with the Heir Apparent of full age, the exerciſe of regal power during the incapacity of the King. The ſingle diſtinction between this caſe, and an actual demiſe of the crown is, that the right of the King to reſume the government, muſt be *uniformly acknowledged*, by a *continual exerciſe* of the regal powers in *his name*; and *this uniform acknowledgement*, is all which the God

God of nature permits him *perſonally* to poſſeſs, until a capacity to reſume the actual exerciſe of power ſhall return. The queſtion, therefore, is not, Whether the King ſhall perſonally exerciſe the Regal power himſelf, for this the God of nature *has prohibited*; but whether *the exerciſe* of the executive, ſhall be united with the legiſlative power in the two Houſes, or devolve on the Prince, the hereditary ſucceſſion being eſtabliſhed, to exclude a *poſſibility of this union.* Whether theſe powers, once united, ſhall again be ſeparated, muſt depend on the *pleaſure* of the two Houſes; and that the liberties of Great Britain ſhall depend on their pleaſure, I affirm, not to be the law of the Conſtitution. On the contrary, our liberties depend on the balance of the three eſtates, upheld *in their reſpective rights* by the people.

But Mr. Pitt ſays, we muſt, in the *intermediate* time, preſerve the rights of the Sovereign. If by the rights of the Sovereign, be meant the juſt and legal prerogatives of the crown, how can theſe be better ſecured, than in the hands of the Heir Apparent,

who, having an acknowledged title to the ſucceſſion, has the *ſame intereſt* in the *preſervation* of theſe prerogatives with the reigning King?

If, by the rights of the Sovereign, be meant a facility, when he ſhall recover, of indulging his perſonal predelection in favor of individuals:—this is an argument unworthy even of diſcuſſion.—It is in other words, to affirm, that we muſt ſubmit to a factious, disjointed government, for an indefinite term, perhaps for twenty years, that in the poſſible event of a recovery, the King may find no obſtacle to the gratification of a ſuppoſed *private perſonal inclination*. This is to treat the people of Great Britain, as the *private property* of the Sovereign; and in effect, to revive the long exploded nonſenſe of a *jure divino* right in Kings. Such is the claim made by the miniſter of a prince of the Houſe of Brunſwick! After all, this *ſuppoſed perſonal predelection*, in a court where Mr. Wilkes has become a favourite, is, in fact as ridiculous, as in juſt reaſoning contemptible. Kings have no friends.—They

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ſelect their inſtruments of government according to the neceſſities of the hour; and if Mr. Pitt was preferred to Mr. Fox, when the latter encroached on the prerogative, why may we not ſuſpect a change of ſentiment in the Royal breaſt, when he learns that the gigantic ambition of this young ſtateſman has ſhaken the hereditary right of the Monarch?

Whatever may be the views or motives of contending ſtateſmen, the care of the people ought to be directed to one object—to preſerve the Conſtitution entire. Mr. Pitt propoſes to defalcate the Royal authority, in *order to preſerve it.* Mr. Pitt has maintained, that in the year 1784, the King, in full poſſeſſion of the whole Royal authority, with difficulty preſerved his juſt and legal portion of the government, againſt a party, aided by accidental advantages. He therefore propoſes, that a Regent, whoſe government, under all poſſible circumſtances, muſt be weaker than that of a King, ſhall have *leſs power.* Why?—becauſe he believes the Regent prefers another to himſelf; and

he wiſhes to *prepare* a ſcene, in which he may act the part, which in his adverſary, he himſelf condemned. When I hear theſe things, I am loſt in amazement at the confidence of the individual, and the folly of thoſe who liſten to him.

What portion of the royal authority is deemed unneceſſary in a Regent, this great legiſlator has not condeſcended to diſcloſe. Fame reports two particulars—the power of creating Peers—and of diſſolving Parliaments. That the power of creating Peers may be abuſed, no man can deny. The hiſtory of the laſt four years, in which Mr. Pitt has added a ſeventh part to the Peerage of Great Britain, would confute him, if he did. Should the recommendations of Mr. Fox, in ſome degree, counterbalance the influence thus acquired, the meaſure does not appear ruinous to the Conſtitution. In this, as in every other part of the momentous ſubject under diſcuſſion, the people have no intereſt in the contentions of Mr. Pitt and Mr. Fox. Their intereſt is to preſerve the juſt balance of

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the Conſtitution. If this power be uſeleſs, or miſchievous, in the executive magiſtrate, let him, who maintains the poſition, openly propoſe its abolition. No man is abſurd enough to advance ſuch an argument. This, like every other prerogative, is given for the wiſeſt purpoſes; and is more neceſſary to a Regent than to a King. This prerogative is given to the executive magiſtrate, to reward eminent talents and diſtinguiſhed public ſervice; and to diſſipate, in the Houſe of Peers, any cabal, deſtructive to the harmony of the three eſtates, or to the juſt rights of either. To contend, that theſe objects ſhall await the death, or recovery of the King, is to conſider the royal authority as the *private property* of the Sovereign, not as a *truſt*, conferred for the *benefit of the people*. It is as abſurd, as to maintain, that a King ſhall not create Peers, becauſe the particular exertion of this power may not meet the approbation of his ſucceſſor.

The other propoſed defalcation of royal authority, is yet more monſtrous. To pre-

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vent a diſſolution of Parliament, without their own conſent, is an exact counterpart of the act of the long Parliament in 1640, which deluged this country with blood, overturned the church and monarchy, and left this iſland, at the cloſe of a civil war, expoſed to all the horrors of military deſpotiſm. From the change which has taken place in public affairs, to convene the exiſting Parliament *annually*, is no longer in the choice of the executive magiſtrate. It is an act of neceſſity. The duration of the ſeſſion depends wholly on themſelves—on their own management of the public buſineſs. If, therefore, the executive magiſtrate has no power to diſſolve Parliament, and to appeal to the People, the phrenzy of an hour may irrecoverably deſtroy the laws and Conſtitution.

Theſe two meaſures ſeem to be intended to conciliate the two Houſes to other meaſures, hereafter to be adopted. The importance of the Peerage is increaſed by the excluſion of new Members, and the *repreſentatives*

ſentatives of the people acquire an independent poſſeſſion of their ſeats, until a lapſe of time ſhall reſtore the *rights* of the nation at large. In the mean time, the temptation to the *abuſe of truſt*, in both branches, is increaſed, becauſe it will no longer be in the power of the executive magiſtrate, even aided by the people, to arreſt the progreſs of their ambition, and to preſerve the juſt balance of the Conſtitution.

We, who are no politicians, have been in the habit of regarding the Britiſh Conſtitution, as the moſt perfect model of civil liberty, which the mind of man has ever conceived. Liberty here appears, according to the preſident Monteſquieu, as in a mirror. We, therefore, are not diſpoſed to reliſh innovations. We are apt to imagine *our rights* may be as well ſecured, by the preſent laws and conſtitution controuling the executive powers of Government in the hands of the Prince of Wales, as in thoſe of his father. If we are alarmed at inſidious attempts to ſupplant the Prince, by giving

giving him the name of Regent, and withholding the neceſſary means of Government, this alarm is not diminiſhed by the proceſs employed to produce this effect. The King's authority, ſignified by both Houſes, was the phraſe uſed by the long Parliament of 1640, when they overturned the monarchy, and ſubverted the liberties of the people. The reſemblance is ſtriking, but the preſent abſurdity is greater—an *incapacity* in the King to act, is now declared by one vote of the Houſe of Commons, and a Commiſſion, under the Great Seal, propoſed in another, affirming the *conſent of that King*, to an ordinance of the two Houſes. The ſame artifice, we are inclined to ſuſpect, is now employed to the ſame end—to *cheat the public ear* with the name of the King as a part of the Legiſlature, while the ſubſtance is withheld. We, therefore, intreat to have the actual effective exerciſe of the kingly power reſtored, before his ſanction be given to the acts of the two Houſes.

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An Addreſs to the Prince, calling him to the exerciſe of the regal authority, in the name of his father, is ſo ſimple and obvious a mode of reſtoring the Conſtitutional Government to its full vigour, that nothing leſs than the conteſts of party, and the ſtruggles of ambitious ſtateſmen, could, for a moment, obſcure ſo plain a truth. The Prince has the ſame intereſts with the King —the *permanent ſecurity* of the regal prerogative; and the two Houſes of Parliament, excluded from all pretenſions to exerciſe or delegate theſe powers, will be retained in the intereſts of the people, in the diſcharge of their peculiar duties—to controul the Miniſters appointed by him. To this object all the laws of the country, and the priviledges of both Houſes are adapted; and if we do not affect to be wiſer than the laws, a criſis which threatened to convulſe the kingdom, and overturn the Conſtitution, will ſerve only to rekindle our zeal in its defence.

The reader may be ſurpriſed that I have not even adverted to the precedents which have been collected with ſo much parade and affected accuracy. All the precedents, which, it is pretended have any relation to the ſubject, are derived from times, when the juſt diſtribution of political power, under the preſent Conſtitution, was not even conceived by the philoſopher in his cloſet—from times, when the *perſonal ability* of the ſovereign, *not the laws*, determined the extent of his power—when the ſword was the meaſure of authority to our Kings and to the great feodal Barons; but when *the rights of the people* were *unknown*:—when a Baron changing ſides, from caprice, carried alternate victory to contending factions, and acquired the appellation of king-maker:—in ſhort, from times more than a century preceding the dawn of public liberty in this iſland—more than a century preceding that period, when the Members of the Houſe of Commons ceaſed to be impriſoned for venturing to diſcuſs the Royal

Prerogative

Prerogative even in the humble tone of ſupplication. From *ſuch examples* I can not learn—and upon ſuch foundations I diſdain to reaſon.

A PRIVATE CITIZEN.

FINIS.

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